

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



JAN 28 2005

MEMORANDUM FOR:

REGIONAL ADMINISTRATORS
STATE DESIGNEES

FROM:

STEVEN F. WITT 
Acting Deputy Assistant Secretary

SUBJECT:

FY'05 Appropriations Act:

Appendix A to CPL 02-00-051, Enforcement
Exemptions and Limitations under the
Appropriations Act

General Industry Respiratory Protection Standard, 29
CFR 1910.134(f)(2), for Exposure to TB

Updated Small Business Exemptions. Attached is the revised Appendix A for CPL 02-00-051 (formerly numbered CPL 2-0.51J), Enforcement Exemptions and Limitations under the Appropriations Act, in accordance with the latest Bureau of Labor Statistics (BLS) Days Away, Restricted, or Transferred (DART) occupational injury and illness rate data to update the list of exempt industries, at the most precise industrial classification code having a DART rate below the national, private sector rate. This year is the first year the appendix will list the industries by the North American Industrial Classification System (NAICS) codes instead of the Standard Industrial Classification (SIC) codes. Appendix A will be effective on the date of this memorandum.

Caution must be exercised when inspecting employers with ten or fewer employees at all times during the previous twelve months because IMIS edit checks have not yet been put on the NAICS codes in the revised Appendix A. It may be a few months until these edit checks are in place.

If you have any questions regarding Appendix A for CPL 02-00-051, please contact Helen Rogers in the Office of General Industry Enforcement (202) 693-1867.

Respirator Fit Testing/Tuberculosis. This year the Occupational Safety and Health Administration's (OSHA's) Appropriations Act also included a rider prohibiting any funds be used to administer or enforce the provisions of 29 CFR 1910.134(f)(2), General

Industry Respiratory Protection, to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to Tuberculosis. This provision was effective immediately upon signing by President Bush on December 8, 2004. For further information, see the December 22, 2004 memorandum to OSHA Regional Administrators, "Tuberculosis and Respiratory Protection," posted under *Interpretations* on OSHA's website.

If you have any questions regarding 29 CFR 1910.134(f)(2), please contact the Office of Health Enforcement (202) 693-2190.

Attachment

APPENDIX A

North American Industrial Classification System (NAICS) Codes for Industries with a Days Away, Restricted, or Transferred (DART) Rate Less Than the National Average Rate of 2.6 for 2003

Source: OSHA, Directorate of Evaluation and Analysis, Office of Statistics, December 30 2004

111110	Soybean Farming	221210	Natural Gas Distribution
111120	Oilseed (except Soybean) Farming		
111130	Dry Pea and Bean Farming	237210	Land Subdivision
111140	Wheat Farming	237990	Other Heavy & Civil Engineering Const
111150	Corn Farming	238290	Other Building Equipment Contractors
111160	Rice Farming		
111191	Oilseed and Grain Combination Farming	311811	Retail Bakeries
111199	All Other Grain Farming	311930	Flavoring Syrup & Concentrate Manuf
111211	Potato Farming	312210	Tobacco Stemming and Redrying
111219	Other Veg. (exc Potato) & Melon Farming	312221	Cigarette Manufacturing
112120	Dairy Cattle and Milk Production	313112	Yarn Texturizg/Throwg/Twistg Mills
114111	Finfish Fishing	313113	Thread Mills
114112	Shellfish Fishing	313210	Broadwoven Fabric Mills
114119	Other Marine Fishing	313221	Narrow Fabric Mills
114210	Hunting and Trapping	313222	Schiffli Machine Embroidery
115113	Crop Harvesting, Primarily by Machine	313249	Other Knit Fabric and Lace Mills
115115	Farm Labor Contractors & Crew Leaders	314121	Curtain and Drapery Mills
115116	Farm Management Services	314999	All Other Misc Textile Product Mills
115210	Support Activities for Animal Production	315111	Sheer Hosiery Mills
115310	Support Activities for Forestry	315119	Other Hosiery and Sock Mills
		315191	Outerwear Knitting Mills
211111	Crude Petrolm & Naturl Gas Extraction	315192	Underwear & Nightwear Knitting Mills
211112	Natural Gas Liquid Extraction	315211	Men's/Boys' Cut/Sew Apparel Contract
212111	Bituminous Coal & Lignite Surface Ming	315212	Women/Girl/Infants' Cut/Sew Apparel
212210	Iron Ore Mining	315231	Female Cut/Sew Loungwr/Nightwr
212221	Gold Ore Mining	315232	Female Cut/Sew Blouse/Shirt Manuf
212234	Copper Ore and Nickel Ore Mining	315233	Women's/Girls' Cut & Sew Dress Manuf
212313	Crushed/Brokn Granite Mine/Quarryng	315239	Female Cut/Sew Other Outerwr Manuf
212321	Construction Sand and Gravel Mining	315291	Infants' Cut & Sew Apparel Manuf
212322	Industrial Sand Mining	315292	Fur and Leather Apparel Manufacturing
212324	Kaolin and Ball Clay Mining	315299	All Other Cut & Sew Apparel Manuf
212392	Phosphate Rock Mining	315991	Hat, Cap, and Millinery Manufacturing
212399	All Other Nonmetallic Mineral Mining	315992	Glove and Mitten Manufacturing
213111	Drilling Oil and Gas Wells	315993	Men's and Boys' Neckwear Manuf
213112	Support Activities-Oil & Gas Operations	315999	Oth Apparel Access/Oth Apparel Manuf
213113	Support Activities for Coal Mining		
213114	Support Activities for Metal Mining	321212	Softwood Veneer & Plywood Manuf
213115	Supp Act-Nonmetallic Minerals exc Fuels	321219	Reconstituted Wood Product Manuf
		322110	Pulp Mills
221111	Hydroelectric Power Generation	322121	Paper (except Newsprint) Mills
221112	Fossil Fuel Electric Power Generation	322122	Newsprint Mills
221113	Nuclear Electric Power Generation	322130	Paperboard Mills
221119	Other Electric Power Generation	322214	Fiber Can/Tube/Drum/Similar Manuf
221121	Electric Bulk Power Transmision/Control	323113	Commercial Screen Printing
221122	Electric Power Distribution	323114	Quick Printing
		324110	Petroleum Refineries

324191	Petroleum Lubricating Oil/Grease Manuf	334220	Radio/TV Broadcast/Wireless Comms Equip
325110	Petrochemical Manufacturing	334290	Other Communications Equipment Manuf
325120	Industrial Gas Manufacturing	334411	Electron Tube Manufacturing
325131	Inorganic Dye and Pigment Manuf	334412	Bare Printed Circuit Board Manuf
325132	Synthetic Organic Dye & Pigment Manuf	334413	Semiconductor & Rel Device Manuf
325181	Alkalies and Chlorine Manufacturing	334414	Electronic Capacitor Manufacturing
325182	Carbon Black Manufacturing	334415	Electronic Resistor Manufacturing
325188	All Other Basic Inorganic Cheml Manuf	334416	Electron Coil/Transformer/Oth Inductor
325191	Gum and Wood Chemical Manuf	334417	Electronic Connector Manufacturing
325192	Cyclic Crude & Intermediate Manuf	334418	Printed Circuit Assem (Electronic Assem)
325193	Ethyl Alcohol Manufacturing	334419	Other Electronic Component Manuf
325199	All Other Basic Organic Chemical Manuf	334511	Search/Navig/Guidance/Nautical Sys/Insts
325211	Plastics Material & Resin Manufacturing	334513	Insts/Rel Prods for Control Ind Proc Var
325221	Cellulosic Organic Fiber Manufacturing	334515	Inst Manuf - Measuring Elec/Electr Sig
325222	Noncellulosic Organic Fiber Manuf	334516	Analytical Laboratory Instrument Manuf
325311	Nitrogenous Fertilizer Manufacturing	334517	Irradiation Apparatus Manufacturing
325312	Phosphatic Fertilizer Manufacturing	334518	Watch, Clock, and Part Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing	334519	Other Measuring/Control Device Manuf
325320	Pesticide/Oth Agricultural Cheml Manuf	334611	Software Reproducing
325411	Medicinal and Botanical Manufacturing	334613	Magnetic & Optical Record Media Manuf
325412	Pharmaceutical Preparation Manuf	335110	Electric Lamp Bulb & Part Manuf
325413	In-Vitro Diagnostic Substance Manuf	335212	Household Vacuum Cleaner Manuf
325414	Biological Product exc Diagnostic Manuf	335314	Relay & Industrial Control Manuf
325611	Soap and Other Detergent Manuf	335991	Carbon & Graphite Product Manuf
325612	Polish & Other Sanitation Good Manuf	335999	Oth Misc Electricl Equip/Compon Manu
325613	Surface Active Agent Manufacturing	336412	Aircraft Engine & Engine Parts Manuf
325920	Explosives Manufacturing	336414	Guided Missile & Space Vehicle Manuf
325998	All Oth Misc Chem Product/Prep Manuf	336415	Guided Mis/Sp Veh Propul Unit/Parts
326140	Polystyrene Foam Product Manuf	336419	Oth Guided Mis/Sp Veh Pts/ Aux Equip
327410	Lime Manufacturing	339111	Lab Apparatus & Furniture Manuf
327420	Gypsum Product Manufacturing	339112	Surgical & Medical Instrument Manuf
		339114	Dental Equipment & Supplies Manuf
		339115	Ophthalmic Goods Manufacturing
332912	Fluid Power Valve & Hose Fitting Manuf	339116	Dental Laboratories
332992	Small Arms Ammunition Manufacturing	339911	Jewelry (except Costume) Manufacturing
332993	Ammunition (exc Small Arms) Manuf	339913	Jewelers Material/Lapidary Work Manuf
332995	Other Ordnance & Accessories Manuf	339914	Costume Jewelry & Novelty Manuf
333132	Oil/Gas Field Machinery/Equip Manuf		
333295	Semiconductor Machinery Manuf	441110	New Car Dealers
333313	Office Machinery Manufacturing	441120	Used Car Dealers
333314	Optical Instrument & Lens Manuf	441210	Recreational Vehicle Dealers
333315	Photographic/Photocopy Equipmt Manu	441221	Motorcycle Dealers
333319	Oth Commercl/Ser Indus Mach Manu	441222	Boat Dealers
333511	Industrial Mold Manufacturing	441229	All Other Motor Vehicle Dealers
333512	Machine Tool (Metal Cutting) Manuf	442210	Floor Covering Stores
333515	Cutting Tool/Machine Tool Acces Manu	443111	Household Appliance Stores
333518	Rolling Mill Machinery/Equipmt Manuf	443112	Radio, TV/Other Electronics Stores
333518	Other Metalworking Machinery Manuf	443120	Computer and Software Stores
333611	Turbine/Turbine Gener Set Units Manu	443130	Camera & Photographic Supplies Stores
333912	Air and Gas Compressor Manufacturing	444120	Paint and Wallpaper Stores
333991	Power-Driven Handtool Manufacturing	444130	Hardware Stores
333993	Packaging Machinery Manufacturing	445120	Convenience Stores
333999	All Oth Misc Gen Purpose Mach Manuf	445210	Meat Markets
334111	Electronic Computer Manufacturing	445220	Fish and Seafood Markets
334112	Computer Storage Device Manufacturing	445230	Fruit and Vegetable Markets
334113	Computer Terminal Manufacturing	445310	Beer, Wine, and Liquor Stores
334119	Other Computer Peripheral Equip Manu	446110	Pharmacies and Drug Stores
334210	Telephone Apparatus Manufacturing	446120	Cosmetic/Beauty Supply/Perfum Stores

446130	Optical Goods Stores	512131	Motion Picture Theaters (exc Drive-Ins)
446191	Food (Health) Supplement Stores	512132	Drive-In Motion Picture Theaters
446199	All Other Health & Personal Care Stores	512191	Teleproduction/Oth Postproductn Servs
447110	Gasoline Stations w Convenience Stores	512199	Other Motion Picture & Video Industries
447190	Other Gasoline Stations	512210	Record Production
448110	Men's Clothing Stores	512220	Integrated Record Productn/Distribution
448120	Women's Clothing Stores	512230	Music Publishers
448130	Children's and Infants' Clothing Stores	512240	Sound Recording Studios
448140	Family Clothing Stores	512290	Other Sound Recording Industries
448150	Clothing Accessories Stores		
448190	Other Clothing Stores	521110	Monetary Authorities - Central Bank
448210	Shoe Stores	522110	Commercial Banking
448310	Jewelry Stores	522120	Savings Institutions
448320	Luggage and Leather Goods Stores	522130	Credit Unions
		522190	Other Depository Credit Intermediation
451110	Sporting Goods Stores	522210	Credit Card Issuing
451120	Hobby, Toy, and Game Stores	522220	Sales Financing
451130	Sewing, Needlework/Piece Goods Stores	522291	Consumer Lending
451140	Musical Instrument and Supplies Stores	522292	Real Estate Credit
451211	Book Stores	522293	International Trade Financing
451212	News Dealers and Newsstands	522294	Secondary Market Financing
451220	Prerecorded Tape/CD/Record Stores	522298	All Oth Nondepos Credit Intermediatn
452990	All Other General Merchandise Stores	522310	Mortgage & Nonmortgage Loan Brokers
453110	Florists	522320	Financl Trans Process/Reserve/Clrhouse
453210	Office Supplies and Stationery Stores	522390	Oth Activities Rel to Credit Intermediatn
453220	Gift, Novelty, and Souvenir Stores	523110	Investment Banking & Securities Dealing
453920	Art Dealers	523120	Securities Brokerage
453930	Manufactured (Mobile) Home Dealers	523130	Commodity Contracts Dealing
453991	Tobacco Stores	523140	Commodity Contracts Brokerage
453998	Other Misc Store Retailers ex Tobacco St	523210	Securities and Commodity Exchanges
454390	Other Direct Selling Establishments	523910	Miscellaneous Intermediation
		523920	Portfolio Management
481211	Nonschedld Charterd Passen Air Transp	523930	Investment Advice
481212	Nonschedld Charterd Freight Air Transp	523991	Trust, Fiduciary, and Custody Activities
482111	Line-Haul Railroads	523999	Misc Financial Investment Activities
482112	Short Line Railroads	524113	Direct Life Insurance Carriers
483211	Inland Water Freight Transportation	524114	Direct Health/Medical Insur Carriers
483212	Inland Water Passenger Transportation	524126	Direct Property/Casualty Insur Carriers
485320	Limousine Service	524127	Direct Title Insurance Carriers
486110	Pipeline Transportation of Crude Oil	524128	Oth Direct Ins Carr ex Life/Health/Med
486210	Pipeline Transportation of Natural Gas	524130	Reinsurance Carriers
486910	Pipeline Transp of Refind Petrol Prod	524210	Insurance Agencies and Brokerages
486990	All Other Pipeline Transportation	524291	Claims Adjusting
487110	Scenic/Sightseeing Transportation, Land	524292	Third Party Admin of Ins/Penson Funds
487210	Scenic/Sightseeing Transportatn, Water	524298	All Other Insurance Related Activities
487990	Scenic/Sightseeing Transportation, Oth	525110	Pension Funds
488510	Freight Transportation Arrangement	525120	Health and Welfare Funds
		525190	Other Insurance Funds
511110	Newspaper Publishers	525910	Open-End Investment Funds
511120	Periodical Publishers	525920	Trusts, Estates, and Agency Accounts
511130	Book Publishers	525930	Real Estate Investment Trusts
511140	Directory and Mailing List Publishers	525990	Other Financial Vehicles
511191	Greeting Card Publishers		
511199	All Other Publishers	531110	Lessors of Residential Buldg/Dwellings
511210	Software Publishers	531120	Lessors-Nonresidntl Buldg ex Miniwrehs
512110	Motion Picture and Video Production	531130	Lessors of Miniwrehouses/Self-Stor Unit
512120	Motion Picture and Video Distribution	531190	Lessors of Other Real Estate Property

531210	Offices of Real Estate Agents & Brokers	541922	Commercial Photography
531311	Residential Property Managers	541930	Translation and Interpretation Services
531312	Nonresidential Property Managers	541940	Veterinary Services
531320	Offices of Real Estate Appraisers	541990	All Oth Professional/Scientific/Tech Ser
531390	Other Activities Related to Real Estate		
532220	Formal Wear and Costume Rental	551111	Offices of Bank Holding Companies
532230	Video Tape and Disc Rental	551112	Offices of Other Holding Companies
532291	Home Health Equipment Rental		
532292	Recreational Goods Rental	561110	Office Administrative Services
532299	All Other Consumer Goods Rental	561210	Facilities Support Services
532411	Commercl Transport Equip Rental/Lease	561310	Employment Placement Agencies
532412	Const/Mine/Forestry Equip Rentl/Lease	561320	Temporary Help Services
532420	Office Machinery/Equip Rental/Leasing	561330	Professional Employer Organizations
532490	Oth Commrcl/Mach/Equip Rentl/Lease	561410	Document Preparation Services
533110	Lessors-Nonfin Intang Assts ex Cprt Wks	561421	Telephone Answering Services
		561422	Telemarketing Bureaus
541110	Offices of Lawyers	561431	Private Mail Centers
541191	Title Abstract and Settlement Offices	561439	Oth Business Serv Centers inc Copy Shop
541199	All Other Legal Services	561440	Collection Agencies
541211	Offices of Certified Public Accountants	561450	Credit Bureaus
541213	Tax Preparation Services	561491	Repossession Services
541214	Payroll Services	561492	Court Reporting and Stenotype Services
541219	Other Accounting Services	561499	All Other Business Support Services
541310	Architectural Services	561510	Travel Agencies
541320	Landscape Architectural Services	561520	Tour Operators
541330	Engineering Services	561591	Convention and Visitors Bureaus
541340	Drafting Services	561599	Other Travel Arrangem/Reservation Ser
541350	Building Inspection Services	561611	Investigation Services
541360	Geophysical Surveying & Mapping Servs	561612	Security Guards and Patrol Services
541370	Surveyng/Mappng (exc Geophysicl) Ser	561613	Armored Car Services
541380	Testing Laboratories	561621	Security Systems Services exc Locksmiths
541410	Interior Design Services	561622	Locksmiths
541420	Industrial Design Services	561740	Carpet and Upholstery Cleaning Services
541430	Graphic Design Services		
541490	Other Specialized Design Services	611110	Elementary and Secondary Schools
541511	Custom Computer Programming Servs	611210	Junior Colleges
541512	Computer Systems Design Services	611310	Colleges/Univer/Professional School
541513	Computer Facilities Management Servs	611410	Business and Secretarial Schools
541519	Other Computer Related Services	611420	Computer Training
541611	Adminis/General Managemt Consult Ser	611430	Professionl/Management Develop Train
541612	Human Resour/Exec Search Consult Ser	611511	Cosmetology and Barber Schools
541613	Marketing Consulting Services	611512	Flight Training
541614	Proc/Physical Dist/Logistics Consult Ser	611513	Apprenticeship Training
541618	Other Management Consulting Services	611519	Other Technical and Trade Schools
541620	Environmental Consulting Services	611610	Fine Arts Schools
541690	Other Scientific/Technical Consult Ser	611620	Sports and Recreation Instruction
541710	R&D in Physical/Engineering/Life Sci	611630	Language Schools
541720	Research/Develop in Social Sci/Human	611691	Exam Preparation and Tutoring
541810	Advertising Agencies	611692	Automobile Driving Schools
541820	Public Relations Agencies	611699	All Other Misc Schools/Instruction
541830	Media Buying Agencies	611710	Educational Support Services
541840	Media Representatives		
541850	Display Advertising	621111	Off of Physicians-ex Mental Health Spec
541860	Direct Mail Advertising	621112	Off of Physicians/Mental Health Spec
541870	Advertising Material Distribution Sers	621210	Offices of Dentists
541890	Other Services Related to Advertising	621310	Offices of Chiropractors
541910	Marketing Research/Public Opinion Poll	621320	Offices of Optometrists
541921	Photography Studios, Portrait		

621330 Off of Mental Health Pract-ex Physicians
 621340 Off of Phys/Occ/Speech Therap/Audio
 621391 Offices of Podiatrists
 621399 Offices of Oth Misc Health Practitioners
 621410 Family Planning Centers
 621420 Outpat Mental Health/Subs Abuse Cent
 621491 HMO Medical Centers
 621492 Kidney Dialysis Centers
 621493 Freestand Amblytry Surgical/Emerg Ctrs
 621498 All Other Outpatient Care Centers
 621511 Medical Laboratories
 621512 Diagnostic Imaging Centers
 624110 Child and Youth Services
 624120 Ser for Elderly/Persons with Disabilities
 624190 Other Individual and Family Services
 624210 Community Food Services
 624221 Temporary Shelters
 624229 Other Community Housing Services
 624230 Emergency and Other Relief Services
 624310 Vocational Rehabilitation Services
 624410 Child Day Care Services

711110 Theater Companies and Dinner Theaters
 711120 Dance Companies
 711130 Musical Groups and Artists
 711190 Other Performing Arts Companies
 711310 Promoters of Perf Arts/Events w Facil
 711320 Promoters of Perf Arts/Evnts wo Facilites
 711510 Independent Artists, Writers/Performers
 712110 Museums
 712120 Historical Sites
 712130 Zoos and Botanical Gardens
 712190 Nature Parks/Other Similar Institutions
 713910 Golf Courses and Country Clubs
 713920 Skiing Facilities
 713930 Marinas
 713940 Fitness and Recreational Sports Centers
 713950 Bowling Centers
 713990 All Oth Amusement/Recreation Industrs

721191 Bed-and-Breakfast Inns
 721199 All Other Traveler Accommodation
 721310 Rooming and Boarding Houses
 722110 Full-Service Restaurants
 722211 Limited-Service Restaurants
 722212 Cafeterias
 722213 Snack and Nonalcoholic Beverage Bars
 722310 Food Service Contractors
 722320 Caterers
 722330 Mobile Food Services
 722410 Drinking Places (Alcoholic Beverages)

811111 General Automotive Repair
 811112 Automotive Exhaust System Repair
 811113 Automotive Transmission Repair
 811118 Oth Auto Mechan/Electrical Repr/Maintn
 811121 Auto Body, Paint/Interior Repr/Maintn

811122 Automotive Glass Replacement Shops
 811191 Automo Oil Change/Lubricatn Shops
 811192 Car Washes
 811198 All Oth Automotive Repair/Maintenance
 811211 Consumer Electronics Repair/Mainten
 811212 Computer/Off Machine Repr/Mainten
 811213 Communication Equipmt Repr/Mainten
 811219 Oth Electron/Precisn Equip Rep/Maintn
 811310 Commr/Ind Mach/Equip exc AutoR&M
 812111 Barber Shops
 812112 Beauty Salons
 812113 Nail Salons
 812191 Diet and Weight Reducing Centers
 812199 Other Personal Care Services
 812210 Funeral Homes and Funeral Services
 812220 Cemeteries and Crematories
 812910 Pet Care (except Veterinary) Services
 812921 Photofinish Laboratories exc One-Hour
 812922 One-Hour Photofinishing
 812930 Parking Lots and Garages
 812990 All Other Personal Services
 813110 Religious Organizations
 813211 Grantmaking Foundations
 813212 Voluntary Health Organizations
 813219 Other Grantmaking and Giving Services
 813311 Human Rights Organizations
 813312 Environm/Conservation/Wildlife Org
 813319 Other Social Advocacy Organizations
 813410 Civic and Social Organizations
 813910 Business Associations
 813920 Professional Organizations
 813930 Labor Unions/Similar Labor Orgs
 813940 Political Organizations
 813990 Oth Similar Org exc Bus/Prof/Labor Org
 814110 Private Households